



# TOWN OF LUNENBURG

## SPECIAL TOWN MEETING WARRANT

### December 5, 2011

Worcester, ss:

To: John E. Baker, Constable of the Town of Lunenburg, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg High School Auditorium in said Lunenburg on Monday, the 5<sup>th</sup> day of December next, at 7:00 o'clock in the evening (7:00 P.M.), and then and there to act on the following articles, viz:

#### **SPECIAL TOWN MEETING WARRANT**

**ARTICLE 1.** To see if the Town will vote to raise and appropriate or transfer from available funds all sums of money necessary to amend the amounts voted for the Town's FY'12 Budget, under Article 20 of the May 7, 2011 Annual Town Meeting Warrant; or take any other action relative thereto. *Submitted by Town Mgr.* Board of Selectmen recommends approval. Finance Committee recommendation @ STM.

**ARTICLE 2.** To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$8,264.97 for payment of prior year expenses; or take any other action relative thereto. *Submitted by Town Mgr.* Board of Selectmen & Finance Committee recommend approval.

**ARTICLE 3.** To see if the Town will vote to adopt the "Stretch Energy Code" set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as may be amended from time to time, and to amend the Town of Lunenburg General By-laws by inserting a new Section \_\_\_\_, entitled "Stretch Energy Code" as follows: **Stretch Energy Code**

**1. Adoption.** The Town of Lunenburg has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

**2. Purpose.** The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code; or take any other action relative thereto.

**ARTICLE 4.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY12, FY13 & FY14 Lunenburg Professional Firefighters Collective Bargaining Agreement dated July 1, 2011 – June 30, 2014 with PFFM, Local 4358A; or take any other action relative thereto. *Submitted by Town Manager.*

**ARTICLE 5.** To see if the Town will vote to amend Article XV of the Town's By-law entitled "Salary Administration Plan of the Town of Lunenburg" (copy on file in the Selectmen's and Town Clerk's office), by modifying the section Alphabetical Listing of Class Titles to add new job titles and remove obsolete titles, or take any other action relative thereto.

**ARTICLE 6.** To see if the Town will vote to rescind the sum of \$456,927.87, the remaining authorization, from Article 16 of the May 6, 2006 Annual Town Meeting Warrant for engineering, permitting, and construction of drinking water and wastewater improvements at Meadow Woods Mobile Home Park; or to take any other action relative thereto. *Submitted by Town Manager.* Board of Selectmen & Finance Committee recommend approval.

**ARTICLE 7.** To see if the Town will vote to accept the extension of the Sewer Service area, described as follows:

A certain area of land, situated in Lunenburg, MA, east of Electric Avenue, north of Whalom Road and west of Carr Avenue being more particularly described as follows:

Beginning at a point east of Electric Avenue at a common corner of land now or formerly Webster Bank, National Association, land now or formerly of Charles H. & Diane D. Miller and land now or formerly of Hollis Hills Realty Trust; said common corner being situated at the boundary of the existing Sewer Service Area as defined on November 30, 2010;

Thence N 72°43'23" E a distance of 255.50 feet to a point;

Thence S 24°18'04" E a distance of 282.12 feet to a point;

Thence S 13°11'19" E a distance of 374.36 feet to a point;

Thence S 19°03'20" W a distance of 107.49 feet to a point;

Thence S 72°43'23" W a distance of 265.51 feet to a point at the boundary of the existing Sewer Service Area as defined on November 30, 2010;

Thence N 12°11'22" W a distance of 742.93 feet by said boundary of the existing Sewer Service Area to the point of beginning.

The above-described area contains 224,094 square feet more or less and is shown as "Proposed Area to Be Added to the Sewer Service Area" on a plan entitled "Plan To Accompany Petition For Sewer Zone Change" in Lunenburg, MA, prepared for Joseph Russo, dated October 20, 2011 prepared by Whitman Bingham Associates, LLC. Such revision currently on file in the office of the Town Clerk and Board of Selectmen; or take any other action relative thereto. *Submitted by Sewer Commission.*

**ARTICLE 8.** To see if the Town will vote to amend the Zoning Bylaw by deleting current Section 4.6.5. Limitations Upon Use and replace with a new Section 4.6.5. Design Standards, as follows:

#### **4.6.5. DESIGN STANDARDS**

**4.6.5.1. PURPOSES:** The purposes of this Section are:

- To assure development which is compatible with prevailing architecture and character of the Town.
- To protect the environment.
- To enhance rather than detract from the quality and character of the Town.
- To preserve and enhance property values.

**4.6.5.2. STANDARDS:** In addition to requirements contained elsewhere in this Bylaw the following design elements shall pertain in the Commercial District, permitted by the Zoning Board of Appeals (ZBA) and where applicable shall be reviewed and approved by the Planning Board in connection with the Development Plan Review under Section 8.4.

- a) Occupied Lot Area.
  - 1. The gross floor area of all buildings and structures on a lot shall occupy not more than forty (40%) percent of total lot area.
  - 2. The total area on any lot devoted to building, parking, outdoor storage and display and other paved hard surface areas may occupy up to eighty-five (85%) percent of the total lot area.
- b) Building Location and Utilities.
  - 1. The Building front shall face the street on which the lot obtains its frontage.
  - 2. If there is more than one building on the site, the siting shall be reviewed through the Development Plan Review (DPR) pursuant to the procedures outlined in Section 8.4.
  - 3. All utilities shall be placed underground.
- c) Building facades, materials and roof lines shall be reviewed under the Development Plan Review (DPR) regarding consistency and compatibility with other structures within the District.
- d) Flat roofs that are visible from the street level are allowed with a façade approved under the Development Plan Review (DPR) and permitted by the Special Permitting Authority.
- e) Façade, roof colors and signs shall be reviewed for consistency under the Development Plan Review (DPR).
- f) The principal building(s) shall be connected to public water and sewer where readily available and accessible.
- g) Lighting, signage and architectural style shall be consistent with other uses in the District and reviewed under the under the Development Plan Review (DPR).
- h) LEED (Leadership in Energy and Environmental Design)
  - 1. LEED Certification should be encouraged to meet the best practicable level.
- i) Interior Streets, Drives, Walkways and Access.
  - 1. Site access shall be a divided way (one way in and one way out) where and when appropriate, determined under the Development Plan Review (DPR).
  - 2. Surfaces shall be pervious when possible and practical excluding the required parking areas.
- j) Parking and Loading Area.
  - 1. Parking shall be in the rear or side of building(s) when possible. Parking will be reviewed under the Development Plan Review (DPR).
  - 2. All loading docks shall be to the rear of the building(s) and shall not be visible from the street.
  - 3. All paved areas shall be separated from the lot line setbacks by a four (4) foot landscaped area of indigenous materials.
- k) Sidewalks.
  - 1. Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).
- l) Screening.
  - 1. Screening of the site shall be by a four (4) foot landscaped strip at the rear and side lot lines.
  - 2. Additional landscaping and screening may be required during the Development Plan Review or by the Special Permitting Authority.
- m) Landscaping.
  - 1. There shall be a minimum of a four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the facades of the building(s) and between the building(s) if there is more than one principal building on site.
  - 2. Such landscape shall be a type and height that does not interfere with sight lines of drivers.
  - 3. Natural features shall be retained to the extent possible.
  - 4. A landscape plan shall be provided reviewed under the Development Plan Review.
- n) Street Furniture.
  - 1. Light fixtures shall be designed to be of number and height that grants plentiful lighting, but not shine on adjacent properties.
  - 2. Lighting must also be placed on the side and rear of the building.
  - 3. Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site.
  - 4. Trash receptacles shall be reviewed under the Development Plan Review. ***Submitted by the Planning Board***

**ARTICLE 9.** To see if the Town will vote to amend the Zoning Bylaw by amending the current Section 3.0. Establishment of Districts, 3.1. Types of Districts, first sentence from “ten (10)” to “eleven (11)”, and adding “n) Summer Street Revitalization Overlay District” or take any other action relative thereto.

**ARTICLE 10.** To see if the Town will vote to amend the Zoning Bylaw Section 3.0. Establishment of Districts, 3.1. by adding a new section; “n) Summer Street Revitalization Overlay District” as follows:

**Summer Street Revitalization Overlay District**

**PURPOSE**

The Summer Street Revitalization Overlay District has been established to encourage development that in itself is compatible and aligns with the character of the Town, created through amenities, a sense of community that is an appealing place to live and work ensuring the vision of Lunenburg as a New England Town. Further, by providing clear and precise guidelines as to the building and lot design that will revitalize the area and when possible, using sustainable building materials and design features that include indoor/outdoor conservation methods.

**LOCATION**

In Lunenburg from the Fitchburg line to the Leominster line including all of Industrial District along Summer Street in Lunenburg and all of the Commercial District along Summer Street and Youngs Road in Lunenburg.

**OBJECTIVES**

- a. Allowing a mix of uses in close proximity in the district within the development including residential, retail, office, and light industrial;
- b. Preserving and restoring a village style character to the designated overlay area;
- c. Promoting a balance of land uses;

- d. Promoting the opportunity for people to work, meet, shop, and utilize services in the vicinity of their residences;
- e. Providing opportunities for the development of variety of housing opportunities;
- f. Providing opportunities for a mixture of uses in the same building;
- g. Promoting a positive pedestrian environment in the district;
- h. Facilitating integrated physical design;
- i. Promoting a consistent level of design quality;
- j. Encouraging the development of flexible space for small and emerging businesses;
- k. Facilitating development proposals responsive to current and future market conditions;
- l. Encouraging the development of open spaces and parks within the district to accommodate workers, residents, pedestrians, and shoppers.

#### **PERMIT GRANTING AUTHORITY**

The Zoning Board of Appeals (ZBA) is hereby the permit granting authority pertaining to the Commercial District and where applicable projects proposed within the Overlay District shall be reviewed under Section 8.4 Development Plan Review. The Planning Board is hereby the permit granting authority pertaining to the Industrial District where applicable projects proposed within the Overlay District shall be reviewed under Section 8.4, Development Plan Review.

#### **PERMITTED USES**

The following uses are permitted within the Summer Street Revitalization Overlay District.

- (a) Any use permitted by right or special permit in the underlying zone.
- (b) Mixed Use Development – is a development of a tract of land, building, or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, institutional, or entertainment. Residential uses shall be allowed as part of a mixed use project.

#### **DIMENSIONAL STANDARDS**

These standards herein are hereby established as such to achieve a village style design for the Summer Street Revitalization Overlay District.

- (a) Occupied Lot Area:
    - 1. The gross floor area of all buildings and structures on a lot shall not occupy more than forty (40%) percent of the total lot area.
    - 2. The total area on any lot devoted to building, parking, outdoor storage, and display and other hard surface areas may occupy up to eighty-five (85%) percent of the total lot area.
  - (b) Maximum Height: No more than 55 feet measured from ground level.
  - (c) Setbacks: Front - 20 feet, Side - 15 feet, Rear - 20 feet
- A landscape plan shall be required for screening and buffering purposes for setback areas.
- (d) Minimum Lot Size: Twenty Thousand (20,000) square feet
  - (e) Minimum Frontage: Fifty (50) feet
  - (f) Minimum Open Space: All projects within the Summer Street Revitalization Overlay District shall have at least ten (10%) of the total site area devoted to Open Space; required setbacks shall be considered as part of the total area required for Open Space. The required Open Space shall not be used for parking or loading purposes and shall be open and unobstructed to the sky, items such as benches, walkways, planters, landscaping, kiosks, gazebos and similar structures shall not be considered obstructions.
  - (g) Mixed Use Developments: that propose to have retail and residential uses within the same building on lots that meet the minimum dimensional requirements established herein, shall be allowed only in a two story building permitted by the Special Permitting Authority.
  - (h) Bonus Density: A Mix Use Development with in Summer Street Revitalization Overlay District which provides at least ten (10%) percent of its residential units be made affordable to low to moderate income persons as defined by the Executive Office of Housing and Economic Development (EOHED).

#### **ADDITIONAL STANDARDS**

As well as the standards required under Section 8.4 Development Plan Review, these additional standards are established for the Summer Street Revitalization Overlay District.

- a) Building – Location & Facade
  - 1. The Building front shall face the street on which the lot obtains its frontage.
  - 2. If there is more than one building on the site, the siting shall be approved by the Special Permitting Authority pursuant to the procedures outlined in Section 8.4, and there shall be sidewalk connections between buildings.
  - 3. Flat roofs that are visible from the street level are prohibited unless an appropriate façade is included in the design.
  - 4. Roof colors shall be appropriate to the area and consistent through the site except signs approved under the Development Plan Review.
  - 5. The principal building(s) shall be connected to public water and sewer where readily available and accessible.
  - 6. Lighting, signage, and architectural style unless an alternate design is determined under the Development Plan Review.
- b) Parking, Loading, and Interior Streets
  - 1. Parking Lots shall be located at the rear of or the side of buildings wherever feasible or practical.
  - 2. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate.
  - 3. Turning radius of emergency response vehicles shall be considered within the design of the project.
  - 4. All loading docks shall be at the rear of building(s) and not visible from the street.
  - 5. All paved areas shall be separated from the lot line setback by a four (4) foot landscaped area of indigenous materials.
- c) Landscaping and Screening
  - 1. There shall be a minimum of a four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous material along the façade of the building(s) and between the building(s) if there is more than one building on site.
  - 2. Such landscaping does not interfere with sight lines of drivers.
  - 3. Natural features shall be retained wherever feasible.

4. Screening of the site shall be by a four (4) foot landscaped strip at the rear and side lot lines
  5. Additional landscaping and screening may be required where it is deemed such appropriate measures are in order.
- d) Streetscape
1. Light fixtures shall be designed to appropriately blend within the District and be of number and height that grants plentiful lighting. Such lighting shall shine downward as to not affect adjacent properties.
  2. Lighting must also be placed on the side and rear of the building.
  3. Outdoor tables, benches, and bicycle racks shall be consistent with the principal use(s) of the site and consistent with the character of the surrounding uses within the District.
  4. Trash receptacles must be of a size that provides proper usage.
  5. Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).

#### **WAIVER**

The Special Permitting Granting Authority may waive any of the standards within this section provided that such waiver will not derogate from the village style design standard established herein.

#### **COMMONLY HELD LOTS**

Any lot that is commonly held in ownership with an adjacent lot in this district may be treated as a single lot in accordance with this Section, provided that the total area of such lots is at least 20,000 square feet in area, the lots have a combined contiguous frontage of at least fifty (50) feet, and vacant of structures, parking facilities, or accessory uses.

#### **CONFLICT WITH OTHER LAWS**

All development activities within the Summer Street Revitalization Overlay District shall comply with applicable laws, regulations, and standards of the Town, except that in the event of a conflict between this bylaw and any such laws and regulations, the provisions of this Bylaw shall control, provided that they are consistent with state and federal law.

#### **SEVERABILITY**

If any section or provision of this bylaw is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other section or provision of this Bylaw.

**And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, fourteen (14) days at least before the day appointed for said meeting, one of which places shall be at the Town Hall, one at Whalom Variety Store in the Whalom-Bakerville District, one at Powell Stone & Gravel Co., Inc., and one at Centre Pizza and Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) days prior to such meeting.**

**Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid. Given under our hands, this fifteenth day of November in the year two thousand and eleven. David J. Matthews, Chairman, Thomas A. Alonzo, Vice-Chairman, Carl (Ernie) Sund, Clerk, Steven M. deBettencourt, Member, Paula J. Bertram, Member, BOARD OF SELECTMEN**

**A true copy attest:**

**Kathryn M. Herrick, Town Clerk**